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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,232

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Fidol Joaquin Parra

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08/24/2007

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NEW YORK, NY 10036-2714

EXAMINER

GESESSE, TILAHUN

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/678,232	PARRA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B. Gesesse	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/11/07 have been fully considered but they are not persuasive for the following reasons.

On page 7 second paragraph of response to the office correspondence , applicant argued that Trompoer and Arai in combined do not disclose:

"[A] wireless LAN base station device" that includes "plural antennas for making communication with a wireless terminal, ....plural transmission-reception portions connected to said plural antennas," and "plural control processors for controlling said plural transmission reception portions."

On page 8, first paragraph of response to the office correspondence , applicant argued that Trompoer and Arai in combined do not disclose:

The examiner disagrees the applicant's allegation. Trompower teaches a wireless LAN base stations (column 1, lines 13-15)a base station with plurality of transceivers such as main transceiver with an antennas and auxiliary transceiver with an antenna making a communication with a wireless terminal (see figure 1) and figure 2,5-8) further more, Trompower teaches plurality of control processors for controlling transmission and reception and the plurality of base stations (see figure 1 in which host computer controller and microprocessor (202 of figure 2) and column 5, line 19 through column 6, line 24).

Further more, Arai teaches plurality of processors controlling transceivers (see column 3, line 9-column 4, line 9 and figures 1-2).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,7,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trompower in view of Arai (US 7133,666) .

Claim 1, 7,9 Trompower teaches a wireless LAN base station device,(wireless LAN with plurality of base stations, coupled to host computer or central processor see fig.1) comprising:

Trompower teaches plural antennas for making communication with a wireless terminal (117) plural transmission-reception portions connected to the plural antennas (base station 115, with antennas 125, and 129, see fig.1).

Trompower teaches plural control transmission-reception portions (base station 115 with plurality of transceivers and processor (202) of figs.2,5,7-8).

Trompower teaches a central processor for controlling the plural control processors,(the base stations processors coupled to central processor or host computer, see fig.1).

Trompower teaches each transmission-reception portion measures a reception level and each control processor measures a communication error occurrence rate, (see col.6 lines 25-51 and fig.2-3 and col.7, line 56 through col.9, line 30).

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Trompower teaches a processor to select the transmission-reception portion so that the reception level is maximum (col.11 line 12-col.12, line 21 and fig.4, in which based on error condition different channel is selected and switch main transceiver to the selected channel, see fig.4, items 314-318 and in selecting channel with better error rate which maximizes).

Trompower does not teach central processor that controls plurality of processor. However, Arai teaches central processor (107) that controls plurality of processors (102 and 103) of figure 2) which controls reception and transmission ( transceiver 101) (see figures 2-4).

One ordinary skill in the art would be motivated to modify Trompower system using controlling technique of Arai, in order to improve the reception status of the communication device, at the time of communication. Therefore, it would have been obvious to one ordinary skill in the art at time of invention was made to improve Trompower system, using controlling technique of aria.

Claim 2. Trompower teaches the central processor controls the plural control processors to carry out a switching operation of the transmission-reception portions so that the reception level is maximum, (host processor controls the operation over all system operation , therefore, controls the sub processors see fig.1).

Trompower teaches transmission/reception is carried out between the wireless terminal and both of the transmission-reception portion carrying out the communications and the switch target transmission-reception portion during a switching period (see fig.6,).

Claim 3. Trompower teaches each of the plural control processors is equipped with a switching timer, and said transmission/reception of the transmission-reception portion carrying out the communications is stopped after the switching period (see col. 14, lines 10-29 and fig.6).

4. Claims 4-6,8,10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trompower in view of Arai in further view of Machida (US 6,470,184).

Claims 4-6,11 Trompower and Arai teach all limitations as explained above in claim1, except transceiver pauses time zone in which the communication load is low .

However, Machida teaches controller monitors traffic load distribution based on timely basis (see col.2 lines 50-68). Then, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to monitor the traffic load and suspend upon the traffic load high in the Trompower and Arai system as evidenced by Machida, in order to avoid interfering communication channel during high traffic load and communicate during traffic load is at lower level.

Claims 8 and 10, Trompower teaches a wireless LAN base station device,(wireless LAN with plurality of base stations, coupled to host computer or central processor see fig.1) comprising:

Trompower teaches plural antennas for making communication with a wireless terminal (117) plural transmission-reception portions connected to the plural antennas (base station 115, with antennas 125, and 129, see fig.1).

Trompower teaches plural control transmission-reception portions (base station 115 with plurality of transceivers and processor (202) of figs.2,5,7-8).

Trompower teaches a central processor for controlling the plural control processors,(the base stations processors coupled to central processor or host computer, see fig.1).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

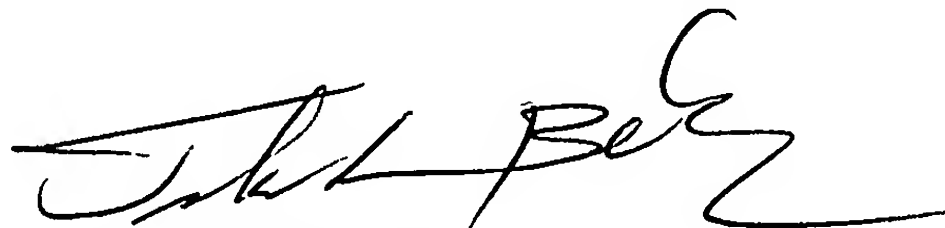
The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria,

VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

August 13, 2007



TILAHUN GESESSE  
PRIMARY EXAMINER